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DATE: December 21, 2005

TO: Examiner Christopher L. Chin  
TC Art Unit: 1641

Fax No.: (571) 273 8300

FROM: Holliday C. Heine, Ph.D.

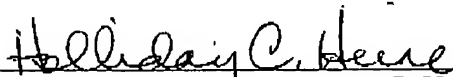
No. of pages transmitted  
(including this page): 14

Our File: MBP-009XX

Time: 2:30 pm

Your Ref:

Sent by: Maggie Chinappi

Application No. 10/049,975  
Filed Date: October 1, 2002  
Confirmation No.: 6238A confirmation copy of this transmission will not be mailed unless the following is checked: ☐  
MESSAGEPLEASE DELIVER DIRECTLY TO:  
EXAMINER Christopher L. Chin, Tel. (571) 272-0815  
TC ART UNIT NO: 1641**FOR ENTRY**Enclosed for filing please find a: Transmittal letter and Election and Response to  
Office ActionThe Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional  
filing fees associated with this communication or credit any overpayment.  
\_\_\_\_\_  
Attorney for Applicant: Holliday C. Heine, Ph.D.  
Registration No. 34,346

HCH/mc/330519-1

THIS MESSAGE MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION INTENDED ONLY  
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Application No.: 10/049,975  
Filed: October 1, 2002  
TC Art Unit: 1641  
Confirmation No.: 6238

Rev 07/05

**WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP**  
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**COMMISSIONER FOR PATENTS**  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: December 21, 2005

Attorney  
Docket No.: MBP-009XX

Sir:

In re application of: **Manfred Schawaller et al.**

Entitled: **METHOD FOR THE DETERMINATION OF SUBSTANCES USING THE  
EVANESCENCE FIELD METHOD**

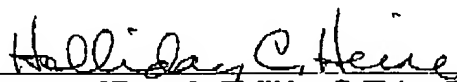
Transmitted herewith is an Election and Response to Office Action in the above-identified application. The following checked items are applicable:

- ☐ This is a Request for Continued Examination under §1.114; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$ ) per §1.17(e).
- ☐ Enter the unentered amendment previously filed on per §1.116.
- ☐ A Petition for Extension of Time for month is hereby made under §1.136(a); authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$ ) per §1.17.
- ☒ In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- ☐ Other:

CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent	1 - 3	= 0	x \$200.00 =	0
Total	33 - 35	= 0	x \$ 50.00 =	0
<input type="checkbox"/> Multiple Dependent Claims (1st presentation)			+ \$360.00 =	0
SUBTOTAL ADDITIONAL FEE				0
Small Entity filing, divide by 2. Small Entity status must be asserted.				--
TOTAL ADDITIONAL FEE				0

- ☒ No additional fee. ☐ The fee has been calculated above; authorization is provided herewith to charge Deposit Account No. 23-0804 (\$ ) for the cost of same.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Christopher L. Chin, TC Art Unit 1641, Fax No. (571) 273 8300, on Dec. 21, 2005.

  
Attorney of Record: **Holliday C. Heine, Ph.D.**  
Registration No.: 34346

HCH/mc/330520-1

PATENT

Rev 09/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED  
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DEC 21 2005

In re application : MANFRED SCHAWALLER, ET AL.  
Application No. : 10/049,975  
Filed : October 1, 2002  
Confirmation No. : 6238  
For : METHOD FOR THE DETERMINATION OF SUBSTANCES  
USING THE EVANESCENCE FIELD METHOD  
Examiner : Christopher L. Chin  
Attorney's Docket : MBP-009XX

TC Art Unit: 1641

\*\*\*\*\*  
I hereby certify that this correspondence is being sent via facsimile to  
Examiner Christopher L. Chin, TC Art Unit 1641, Fax No. (571) 273-8300,  
on Dec. 21, 2005.

By: Holliday C. Heine  
Holliday C. Heine, Ph.D.  
Registration No. 34,346  
Attorney for Applicant(s)

\*\*\*\*\*

ELECTION AND RESPONSE TO OFFICE ACTION

Via Facsimile  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the election requirement dated November 21,  
2005, Applicants elect for present prosecution the claims of  
Group I, Claims 1-6, 27-37, 45-47 and 52-55, with traverse.

WASHINGTON, GEORGETOWN,  
CAGNEY & TROVATI LLP  
TEL. (410) 442-2200  
FAX. (410) 453-0313